

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Van Soest, R.

Examiner: Ton, Trit

Application No.: 10/577,286

Group Art Unit: 2877

Filed: April 24, 2006

Docket: 903-186 PCT/US

For: INSPECTION DEVICE FOR
OBJECTS WITH A SPHERICAL
SURFACE

Dated: January 4, 2008

Confirmation No.: 2493

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Dated: January 4, 2008

Signature John Sopko / 

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION FOR THE INFORMATION DISCLOSURE STATEMENT

Sir:

In order to fulfill the requirements of candor and good faith set forth in 37 C.F.R. §1.56,
Applicants submit herewith the Information Disclosure Statement in accordance with the
provisions of 37 C.F.R. §1.97 and §1.98.

A English (machine) translation of certain references was obtained from the European
Patent Office for a corresponding foreign counterpart application. The accuracy of these
English translations is unknown.

Enclosed is a copy of an Examination Report from the European Patent Office for a
corresponding foreign counterpart application. A copy of the Examination Report is enclosed.

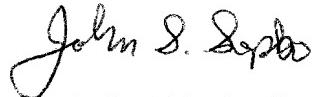
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Except as being cited in the above-mentioned report, the exact relevance of the "Linderhof" references is unknown.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

If the Examiner has any questions or comments relating to the present application, he or she is respectfully invited to contact Applicants' attorney at the telephone number set forth below.

Respectfully submitted,



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Application No. 04 774 958.5 - 2204	Ref. P26894EP00/CHO	Date 27.04.2007
Applicant Staalkat International B.V.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Duijs, Eric
Primary Examiner
for the Examining Division

Enclosure(s): 6 page/s reasons (Form 2906)
D8-D11: Linderhof, 10 pages in total



Beschied/Protokoll (Anlage)	Communication/Minutes (Annex)	Notification/Procès-verbal (Annexe)
Datum Date Date 27.04.2007	Blatt Sheet Feuille 1	Anmelde-Nr.: Application No.: 04 774 958.5 Demande n°:

The examination is being carried out on the **following application documents**:

Description, Pages

3, 4, 6, 7 as published
1, 1a, 2, 5 filed with telefax on 16.04.2007

Claims, Numbers

1-17 filed with telefax on 16.04.2007

Drawings, Sheets

1/4-4/4 as published

1. Amendments (Article 123(2) EPC)

- 1.1 The amendments filed with the letter dated 16.04.2007 do not introduce subject-matter which extends beyond the content of the application as filed, in accordance with Article 123(2) EPC.
The wording of **claim 1** has been amended by adding "the reflecting walls of the box have a **mirroring** surface" (basis: p. 4, l. 20).
- 1.2 Since the wording of claim 11 on page 9 of the letter differs from the wording of claim 11 on the sheet "AMENDED CLAIMS - PAGE 2/3", **it is not clear what the valid wording of claim 11 is.**

2. Novelty and inventive step (Article 54(1), (2) and 56 EPC)

The present application does still not meet the requirements of Article 52(1) EPC, because the subject-matter of **claims 1-7, 9, 14, 16 and 17** is not new in the sense of Article 54(1) and (2) EPC, and because the subject-matter of **claims 1-17** does not involve an inventive step in the sense of Article 56 EPC:

- 2.1 According to claim 1 the walls must have "mirroring" properties, i.e. they must **specularly** reflect the light impinging on them. The primary examiner agrees with the applicant that claim 1 is now novel over **D1, D2, D3, D5, D6 and D7**:



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- It is clear from D1, par. 13 of the translation, that the reflective wall surfaces 2 exhibit **diffuse** reflection. The mirrors 7 **are not** walls of box 1;
- It is clear from D2, par. 31 of the translation, that the reflective wall surfaces 12 exhibit **diffuse** reflection; The mirrors 19 (fig. 3) **are not** walls of box 13.
- The walls in D3 are "**flat**", i.e. they exhibit diffuse reflection;
- In D5 it is explicitly stated that shade 3 has a "white **matt** paint" "**diffusion** reflecting surface";
- **D6 and D7** do neither disclose a box, nor reflective walls.

2.2 With regard to **D4** the examiner respectfully disagrees with the arguments of the applicant, for the following reasons:

D4 discloses (see abstract, title, and **figures 2 and 7**):

- a device for inspecting objects H with a substantially spherical surface (title; for shape of objects H, see figs.);
- optical observation means for observing the objects H;
- a supporting surface 2 (conveyer) for supporting the objects H; and
- a light source 10, 8 (floodlights) for illuminating the objects H;
- a box 4 (shielding cage) with reflective (inner) walls 12, 20 (upper part infrared-ray reflecting plates 12; reflecting **mirrors** 20) which is positioned above the supporting surface 2.

Contrary to D1 and D2 the "mirrors" 20 of D4 **are** walls of box or cage 4: box 4 has **outer** walls and **inner** walls. In figure 2, one "mirror" 20 acts as an outer wall of box 4 and another "mirror" 20 acts as an inner wall of box 4.

Light sources 8, 10 and sensor 7 (see fig. 2) are located outside the area or gangway 6 defined by one **outer** reflecting wall 20 (mirror 20), the conveyor 2 and two **inner** reflecting walls 12, 20 (upper part infrared-ray reflecting plates 12; mirror 20), but **inside** box or cage 4.

Therefore, D4 also discloses a box 4 in which the light source 10 and is accommodated, at least reflecting walls or "mirrors" 20 of box or cage 4 have a "mirroring" surface.

Hence, amended claim 1 is still not new (Article 54(1) and (2) EPC).



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2.3 Additionally, the following documents (D) are cited by the examiner (see the Guidelines, C-VI, 8.7). **Copies of the documents are annexed to the communication** and the numbering will be adhered to in the rest of the procedure:

- D8: Linderhof - Wikipedia, the free encyclopedia (5 pages)
- D9: Bavarian Palace Department, Linderhof Palace and Park, Palace, History (3 pages)
- D10 Bavarian Palace Department, Linderhof Palace and Park, Palace, Tour on the palace (1 page)
- D11 Bavarian Palace Department, Linderhof Palace and Park, Palace, Tour on the palace, Hall of Mirrors (1 page)

Documents D8-D11 describe the palace "Linderhof" constructed by the Bavarian King Ludwig II. What appears, at a first glance, to relate to a very different technical field, shows, after a closer look, to disclose exactly what is defined in claim 1 of the present invention.

Palace Linderhof was finished in 1886 (see D9, p. 3) well before the date of filing (priority) of the present application.

A plan or map of palace Linderhof is shown in D10. A photo of the "Hall of Mirrors", a room with the walls covered with mirrors, is shown in D11.

As indicated in D8, page 2, in the paragraph "Hall of Mirrors", this room was used around 1886 by the King Ludwig II as some kind of living room. "He enjoyed sitting in the niche and reading there the whole night... the mirrors created an unimaginable effect for him when they reflected the light of the candles a thousand times. The parallel placement of some mirrors evoke the illusion of a never ending avenue".

When reading claim 1, the scope should be determined and read as broad as possible. Words such as "device", "inspecting", "spherical object", "observation means" and "box" are very broad and general. D8-D11 disclose:

- a device (the palace Linderhof, the Hall of Mirrors) for inspecting (looking at, observing) objects with a substantially spherical surface (King Ludwig II himself, his head, arm, an apple in his hand or a visitor);



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- optical observation means (the eyes of King Ludwig II, the eyes of a visitor of the king, a camera positioned in the Hall of Mirrors or held in the hand of the king or his visitor) for observing the objects (King Ludwig II himself, his head, arm, an apple in his hand or a visitor);
- a supporting surface (the floor of the Hall of Mirrors) for supporting the objects (King Ludwig II himself, his head, arm, an apple in his hand or a visitor);
- a light source (candles or "an ivory candelabra" in the Hall of Mirrors) for illuminating the objects (King Ludwig II himself, his head, arm, an apple in his hand or a visitor);
- a box (the Hall of Mirrors) with reflective walls (the walls are covered with mirrors which "evoke the illusion of a never ending avenue") which is positioned above the supporting surface (the floor of the Hall of Mirrors), and in which the light source (candles or "an ivory candelabra") and the observation means (the eyes of King Ludwig II, the eyes of a visitor of the king, a camera positioned in the Hall of Mirrors or held in the hand of the king or his visitor) are accommodated;
- the reflecting walls of the box (the Hall of Mirrors) have a mirroring surface (the walls are covered with **mirrors** which "evoke the illusion of a never ending avenue").

Hence, the subject-matter of **claim 1** is not new (Article 54(1) and (2) EPC).

- 2.4 **Dependent claims 2-17** do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty and/or inventive step, the reasons being as follows:
- **Claim 2:** conveyor (see **D4**: "2");
 - **Claim 3:** rectangular box (see **D4**, cage 4)(the Hall of Mirrors of **D8-D11**);
 - **Claims 4-6, 17:** reflective side walls; coefficient of reflection of at least 0.8; metal reflective walls; walls are mirrors (**D4**: mirrors 20, plates 12)(**D8-D11**: the walls are covered with **mirrors** which "evoke the illusion of a never ending avenue");
 - **Claim 7:** light on the top side of the box (**D4**, fig. 2, floodlight 8)(**D8-D11**: the "ivory candelabra");
 - **Claims 8, 10, 11, 13:** not inventive; light source in box with diffusor plate(s) which cover the light source(s), plate(s) forme(s) the top wall of the box (well known design-feature for providing even more uniform light distribution or radiation plane and



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avoiding hot spots, see for example **D6**, col. 2, lines 15-26; or **D7**, "diffusor 5");

- **Claim 9**: one or more uniformly distributed lamps (**D4**: figs. 2, 3 and 6, floodlights 8, 10)(**D8-D11**: the "ivory candelabra" with many candles);
- **Claim 12**: see **D4**, fig. 2: reflective top cover plate 12 above light source 10;
- **Claim 14**: camera (**D4**: fig. 2, feature 7)(**D8-D11**: a camera positioned in the Hall of Mirrors or held in the hand of the king or his visitor);
- **Claim 15**: two cameras on opposite sides of the box (obvious and therefore non-inventive extrapolation);
- **Claim 16**: computer (see **D4**, fig. 1, feature 42).

3. Further points

- 3.1 It is still not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 29(1) EPC. The applicant should also indicate the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.
- 3.2 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).
- 3.3 In order to enable the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant should clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see Guidelines E-II, 1).
- 3.4 The features of all claims should be provided with **reference signs** placed in parentheses to increase the intelligibility of the claims (Rule 29(7) EPO).



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- 3.5 To meet the requirements of Rule 27(1)(b) EPC, the **document D4** should also be identified in the description and the relevant background art disclosed therein should be briefly discussed.